IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 57/2005

HARI RAM Vs. STATE OF RAJASTHAN

DATE: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.K. Gupta for the accused-petitioner.
Mr. Ashwini Kumar Sharma, PP for the State.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 29.10.2004 passed by the Additional Chief Judicial Magistrate, Bayana, District Bharatpur in Criminal Case No 78/2001, whereby charges have been framed against the accused-petitioner for the offence under Sections 420, 467, 468, 471 and 120-B IPC.

Learned counsel for the accused-petitioner submits that at the time of framing of the charge the Court below has not properly examined this aspect that the petitioner was not Halka Patwari at the relevant point of time and without examining the record as to who has committed wrong in the record, framed charges against the accused-petitioner without properly considering these aspects.

Having heard learned counsel for the accused-petitioner, learned Public Prosecutor for the State and upon careful perusal of the impugned order dated 29.10.2004, without expressing any opinion on the merits of the case, I deem it proper to remand the matter back to the Court below for fresh adjudication after giving due consideration to the objections which are raised by the accused-petitioner and shall pass fresh order of charge.

With these observations, the impugned order dated 29.10.2004 passed by the Additional Chief Judicial Magistrate, Bayana is herewith quashed and set-aside and the matter is remanded back to the Court below for fresh adjudication as indicated herein above.

The revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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